

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office OCT 27 1977

Returned to applicant for correction _____

Corrected application filed _____ Map filed MAR 21 1978 under 34444

The applicant J. Chester Young

Route 2 Box 5 of Austin
Street and No. or P.O. Box No. City or Town

Nevada 89310 hereby make S. application for permission to change the
State and Zip Code No.

point of diversion
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under proof no. 01527, 02413, 02414, 02415, certificate
(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and
no. 367
Identify right in Decree.)

1. The source of water is Kingston (AKN Big Smoky) Creek and Tributaries
Name of stream, lake, underground spring or other source.

2. The amount of water to be changed 2.63 cfs, 525.96 acre-feet
Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for as decreed
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for as decreed
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of sec. 35, T16N, R43E, MDB&M,
Describe as being within a 40-acre subdivision of public survey and by course and
or at a point from which the NE corner of said sec. 35 bears N 78° 22' E,
distance to a section corner. If on unsurveyed land, it should be stated.
2680.00 feet.

6. The existing permitted point of diversion is located within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ sec. 24, T16N, R44E, MDB&M,
If point of diversion is not changed, do not answer.
or at a point from which the NW corner of sec. 23, T16N, R44E, bears N 78 - 11 -
30 W, 5,943.52 feet.

7. Proposed place of use same
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use Sec. 24, T16N, R44E, MDB&M.
Priority Acres Sub
1882 23.03 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 1882 9.09 NE $\frac{1}{4}$ SE $\frac{1}{4}$
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
1882 34.11 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 131.49
manner of use of irrigation permit, describe acreage to be removed from irrigation.
" 6.83 SW $\frac{1}{4}$ NE $\frac{1}{4}$
" 20.00 NE $\frac{1}{4}$ SW $\frac{1}{4}$
" 38.43 NW $\frac{1}{4}$ SE $\frac{1}{4}$

9. Use will be from _____ to as decreed _____ of each year.
Month and Day Month and Day

10. Use was permitted from _____ to as decreed _____ of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and
specifications of your diversion or storage works.) headworks and pipeline
State manner in which water is to be diverted, i.e. diversion structure, ditches,

pipes and flumes, or drilled well, etc.

12. Estimated cost of works \$50,000.00

13. Estimated time required to construct works 3 years

14. Estimated time required to complete the application of water to beneficial use 5 years
15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

This application is to change the Point of Diversion of the water from
Kingston Creek covered under Certificate No. 367. Kingston Creek is estimated
to supply 85% of the water appropriated under Certificate 367.

Applicant J. Chester Young

By s/ J. Chester Young

Compared bt/bc bt/bc

2/26/79 by Dept. Fish & Game (Pro. withdrawn-See Ruling #2740 of 1/27/82)

Protested 2/22/79 by Gordon C. Shelley, Esq. (Pro. overruled-See Ruling #2740 of 1/27/82)

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the Point of Diversion of the waters of Kingston Creek and Tributaries, as heretofore appropriated under Proofs 01527, 02413, 02414, 02515, Certificate 367 as appears in the matter of the determination of the relative rights in and to the waters of Kingston Creek (aka Big Smoky Creek) and its tributaries, in the District Court of the Third Judicial District of the State of Nevada, in and for the County of Lander is issued to the terms, conditions and irrigation period imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

This permit is issued subject to the provisions of the Ruling of the State Engineer dated January 27, 1982.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 2.63 cubic feet per second, but not to exceed 525.96 acre-feet seasonally.

Work must be prosecuted with reasonable diligence and be completed on or before January 27, 1984

Proof of completion of work shall be filed before February 27, 1984

Application of water to beneficial use shall be made on or before January 27, 1986

Proof of the application of water to beneficial use shall be filed on or before February 27, 1986

Map in support of proof of beneficial use shall be filed on or before February 27, 1986

Completion of work filed..... IN TESTIMONY WHEREOF, I, PETER G. MORROS,
State Engineer of Nevada, have hereunto set my hand and the seal of

Proof of beneficial use filed..... my office, this 27th day of JANUARY,

Cultural map filed.....

A.D. 19 82

Certificate No. Issued



2407 (Rev. 6-81)

[Signature]
State Engineer

47403 263 cfs